

Ser. No. 10/664,526
Response After Final Rejection of 16 August 2005

REMARKS

Claim Status

Claims 13-19 were pending at the time of the Office Action, claims 1-12 having been previously cancelled.

Rejection of Claims under 35 U.S.C. § 102(b)

The Examiner has rejected all claims as anticipated by three US Patents:

4,685,260 to Jenn ("Jenn '260")

4,575,977 to Taylor ("Taylor '977") and

4,007,565 to Finnegan ("Finnegan '565")

The applicant notes that the Examiner does not cite US Pat. 5,469,673 to Raynor, previously relied upon as a basis for a novelty rejection. Applicant respectfully asserts that these prior rejections have been overcome by claim 13.

The applicant respectfully notes that the Examiner has not met the burden of establishing a *prima facie* novelty rejection case by showing that "each and every element is found, either expressly or inherently described" in any of the cited patents with regard to claim 13, as required by *Verdegaal v Union Oil Co.*, 814 F.2d 1349, 1351 (Fed Cir 1987).

Jenn '260

Jenn '260 does not show first and second property lots. The existence of the property lots cannot be fairly inferred from any statements in Jenn '260. The Examiner has stated at page 5 of the Office Action that the "examiner is of the opinion that Jenn does disclose a first and a second property lot, since the housing arrangement consists of four different living units" in referring to Figs. 2-6. Examiner opinion is not a part of a novelty rejection. The element is either present or not. The existence of different living units does not infer different property lots. Many apartment buildings have "different living units" without being located on different property lots. Jenn '260 has no markings in the figures relied upon that show property lots or property lot lines.

Taylor '977

The Examiner has read the figures to disclose something other than what the specification expressly describes. Reference numerals 22 and 24 do not show

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separate property lots. These numerals refer to "single family dwellings" (Col. 2, line 2). Taylor '977 does show property lots 18A-18D. However, there are no "first and second independent living units *structurally attached to each other by a commonly shared portion with the common property line passing therethrough.*" Taylor '977 does not anticipate claim 13.

Finnegan '565

The Examiner misconstrues the clear words used in Finnegan '565. Reference numerals 106, 100 are not "first and second property lots." They are defined by Finnegan as "dwellings" at Col 5, lines 16 and 24. No separate first and second property lots are shown in Fig. 4 of Finnegan '565. Figure 4 is a part of a "dwelling module 100", as taught at Col. 5, line 8. Separate property lots are depicted at Fig. 2 as reference numeral 13 (the term used by Finnegan '565 is "main land section") with these units separated by "boundary line 14". Col. 3, line 2. Finnegan '565 states that individual dwellings are "spaced apart in a first U-shaped configuration *within a main land section 13.*" Sentence bridging Cols. 2 and 3. This precludes the property lines from passing between the individual living units, as required by claim 13.

Applicant respectfully requests reconsideration of the present rejections, based on the foregoing arguments. Telephone inquiry to the undersigned attorney in order to clarify or otherwise expedite prosecution of the present application is respectfully encouraged.

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Respectfully submitted,

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